

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

February 27, 2009

Certified Mail Number: 7007 0220 0001 0160 6006

PWSID# CO-0207506  
Meeker Park Lodge, Inc.  
Attention: Keith L. Dever R.A.  
11733 Hwy 7  
Allenspark, CO 80510

**RE: Service of Drinking Water Enforcement Order, Number: DT-090227-1**

Dear Mr. Dever:

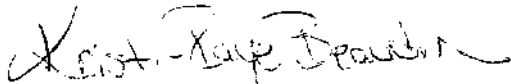
Meeker Park Lodge, Inc. is hereby issued the enclosed Enforcement Order (the "Order"). This Order is issued by the Colorado Department of Public Health and Environment, Water Quality Control Division (the "Department") pursuant to the authority given to the Department by §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."). The Department bases this Order upon findings that Meeker Park Lodge, Inc. violated the *Colorado Primary Drinking Water Regulations* (the "Regulations") as described in the enclosed Order.

As a recipient of an enforcement order Meeker Park Lodge, Inc. may request a formal hearing to contest the Order in accordance with the Regulations, 5 CCR 1003-1, §1.6.7(g). Requests for such a hearing must be filed in writing with the Department within thirty (30) calendar days after service of the Order. Hearings on enforcement orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, §§24-4-101 through 24-4-108, C.R.S.

This action could result in the imposition of administrative or civil penalties. The Department or a State District Court is authorized pursuant to §25-1-114.1, C.R.S. to impose a penalty of up to \$1,000 per violation per day. Please be advised that the Department is continuing its investigation into this matter and the Department may identify supplementary violations that warrant amendments to this Order or the issuance of additional enforcement actions.

Should Meeker Park Lodge, Inc. desire to informally discuss this matter with the Department or if Meeker Park Lodge, Inc. has any questions regarding the Order, please don't hesitate to contact Scott Klarich at (303) 692-3564 or by electronic mail at [scott.klarich@state.co.us](mailto:scott.klarich@state.co.us).

Sincerely,



Kristi-Ray Beaudin, Legal Assistant  
Compliance Assurance and Data Management Section  
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Boulder County Health Department  
Compliance Monitor / Drinking Water File

ec: Dennis Pontius, Engineering Section, CDPHE  
Dick Parachini, Watershed Program, CDPHE  
Betsy Beaver, Facility Operators Program, CDPHE  
Shawn McCaffrey, EPA Region VIII  
Jeff Lawrence, Director Consumer Protection Division, CDPHE  
Carolyn Schachterle, OPA



**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**WATER QUALITY CONTROL DIVISION**

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**ENFORCEMENT ORDER**

**NUMBER: DT-090227-1**

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**IN THE MATTER OF: MEEKER PARK LODGE, INC.**  
**PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0207506**  
**BOULDER COUNTY, COLORADO**

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Pursuant to the authority vested in the Colorado Department of Public Health and Environment (the "Department") by §25-1-109 and §25-1.5-203 of the Colorado Revised Statutes ("C.R.S."), which authority has been delegated to the Department's Water Quality Control Division (the "Division"), the Division hereby makes the following findings and issues the following Enforcement Order:

**GENERAL FINDINGS**

1. Meeker Park Lodge, Inc. ("Meeker") owns and/or operates a drinking water system located in the vicinity of 11733 Highway 7 near the Town of Allenspark, Boulder County, Colorado (the "System").
2. Meeker is a person as defined by 5 CCR 1003-1, §1.5.2(98).
3. Meeker is a supplier of water within the meaning of §25-1.5-201(2), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(128).
4. The System is a public water system as defined by §25-1.5-201(1), C.R.S. and its implementing regulation, 5 CCR 1003-1, §1.5.2(107).
5. The Public Water System Identification Number ("PWSID"), assigned to the System by the Division is PWSID #: CO-0207506.
6. Pursuant to 5 CCR 1003-1, §1.2, the System is subject to the *Colorado Primary Drinking Water Regulations* (the "Regulations"), which were adopted pursuant to §25-1.5-203, C.R.S.
7. Meeker provides piped water for human consumption from the System to at least twenty-five (25) people, but the System does not serve twenty-five (25) or more of the same people, for sixty (60) or more days per year. The System is therefore classified as a "transient, non-community water system" as defined by 5 CCR 1003-1, §1.5.2(137).

8. The System's source of water is surface water as defined by 5 CCR 1003-1, §1.5.2(129).

**First Violation**  
**(Failure to Provide Treatment of a Public Water Supply)**

9. Pursuant to 5 CCR 1003-1, §7.1.3(b), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water and serves fewer than 10,000 people must provide treatment consisting of both disinfection, as specified in 5 CCR 1003-1, §7.1.2, and filtration treatment which complies with the requirements of 5 CCR 1003-1, §§7.1.3(f) or (g) or §§7.3.4(a), (b) or (c).
10. Pursuant to 5 CCR 1003-1, §7.1.3(c), failure to meet any requirement of 5 CCR 1003-1, §7.1.3 is a treatment technique violation.
11. On or about May 23, 2008, Meeker advised the Division that it had removed its filtration treatment because of the costs associated with maintaining and replacing filters.
12. On May 27, 2008, as a result of the System's deficient filtration treatment, the Division formally issued a Boil Water Order to Meeker as a measure to protect public health.
13. In a letter dated August 19, 2008 from the Department to Meeker, Meeker was given until September 15, 2008 to provide the Department with a schedule detailing the mechanisms and associated timeframes that Meeker will take to return to compliance with the Regulation.
14. On June 20, 2007 the Department received engineering plans and specifications for the Meeker Park Filtration Upgrades. The information submitted was incomplete and the Department sent requests for additional information on August 15, 2007, October 9, 2007, December 27, 2007 and May 27, 2008 to system representatives and Baseline Engineering. The Department currently has not received the information required to complete the engineering plans review and therefore cannot grant approval for construction.
15. Department records to-date establish that Meeker has not provided the Division with the schedule, the outstanding items needed for lifting of the Boil Water Order or for the approval of the System's water filtration upgrades.
16. Meeker's ongoing failure to provide and maintain approved filtration treatment on the System's distributed water constitutes violation(s) of 5 CCR 1003-1, §7.1.3(b).

**COMPLIANCE ORDER**

Based upon the foregoing factual and legal determinations and pursuant to 5 CCR 1003-1, §1.6.7, Meeker is hereby ordered to:

17. Immediately comply with the *Colorado Primary Drinking Water Regulations*, 5 CCR 1003-1, Articles 1 through 13.

Further, the Division hereby orders Meeker to comply with the following specific terms and conditions of this Order.

18. In order to ensure long-term compliance with the Surface Water Treatment Rule (5 CCR 1003-1, Article 7), Meeker shall evaluate and upgrade, as needed, the System's surface/ground water treatment plant in accordance with the following schedule:
  - a. By March 31, 2009, submit the pending information which was requested by the Department in the May 27, 2008 letter to Baseline Engineering and Meeker Park Lodge, to complete the Final Design Plans and Specifications for the System improvements and receive written approval from the Department for construction of the upgrades.
  - b. By May 1, 2009, complete construction/implementation of the Department approved System improvements to ensure long-term compliance with the Surface Water Treatment Rule.
  - c. By May 31, 2009, submit the Professional Engineer's Certification that the System improvements to comply with the Surface Water Treatment Rule were constructed/installed as approved by the Department.
19. Consistent with the terms of the May 27, 2008 Boil Water Order, Meeker shall reissue its public notice (*boil water advisory*) in accordance with 5 CCR 1003-1, §9.2 every two (2) weeks until the Department has acknowledged in writing that Meeker is consistently distributing safe water. Within ten (10) calendar days of completion of each required public notification, Meeker shall submit to the Department, along with the mandatory certification, a representative copy of each type of notice distributed, published, posted, and/or made available to the persons served by the System. The Division will consider an alternative public notice frequency upon a written request and justification from Meeker demonstrating that such an alternate frequency is appropriate and effective in informing all persons served by the System.

### **NOTICES AND SUBMITTALS**

For all documents, plans, records, reports and replies required to be submitted by this order, Meeker shall submit an original and one copy (electronic is preferred) to the Division at the following address:

Colorado Department of Public Health and Environment  
Water Quality Control Division / WQCD-WQP-B2  
Compliance Assurance and Data Management Section  
Attention: Scott Klarich  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Email: [scott.klarich@state.co.us](mailto:scott.klarich@state.co.us)  
Fax: (303) 782-0390

*(For any facsimile transmittals, please include a cover sheet addressed to Mr. Klarich.)*

Pursuant to 5 CCR 1003-1, §1.6.4(e), all reports, notices, summaries, and certifications required to be submitted to the Department by the public water system must bear the original signature of the owner or the owner's authorized representative.

### **NOTICE OF COMPLETION**

Meeker shall submit a Notice of Completion to the Division upon satisfactory completion of all requirements of this Enforcement Order. The Division shall either accept or reject the Notice of Completion in writing. If the Division rejects the Notice of Completion, it shall include in its notice a statement identifying the requirements that the Division considers incomplete or not satisfactorily performed and a schedule for completion. If Meeker wishes to dispute the Division's rejection of its Notice of Completion, it shall, within fifteen (15) calendar days of receipt of the Division's rejection, submit a written statement as to its belief of full compliance, addressing in detail all concerns the Division raised in the rejection letter to the System's Notice of Completion.

### **PRIOR APPROVAL REQUIRED**

Pursuant to 5 CCR 1003-1, §1.11.2, no person shall commence construction of any new waterworks, or make improvements to or modify the treatment process of an existing waterworks, or initiate use of a new source, until plans and specifications for such construction, improvements, modifications or use have been submitted to, and approved by the Department. A Professional Engineer registered in the State of Colorado shall design all treatment systems serving a community water supply. The Department shall grant such approval when it finds that the proposed facilities are capable of complying, on a continuous basis, with all applicable laws, standards, rules and regulations.

### **POTENTIAL ADMINISTRATIVE/CIVIL AND CRIMINAL PENALTIES**

You are also advised, pursuant to §25-1-114.1, C.R.S., that violators of the Regulations or final Enforcement Orders issued by the Department are subject to civil or administrative penalties of up to one thousand dollars (\$1,000) per violation per day, to be imposed by the Department or a State District Court. Further, pursuant to §25-1-114(4), C.R.S., any person, association, or corporation, or the officers thereof, who violates, disobeys, or disregards any provision of the Regulations or an Enforcement Order is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment and, in addition to such fine and imprisonment, shall be liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. By virtue of issuing this Enforcement Order, the Department has not waived its right to bring an action for administrative, civil or criminal penalties and may bring such action in the future.

### **REQUEST FOR HEARING OR APPEAL**

You are further advised, pursuant to 5 CCR 1003-1, §1.6.7(g), that a recipient of an Enforcement Order may request a hearing contesting such order. Requests for such a hearing shall be filed in writing with the Department within thirty (30) calendar days after service of the order. Such requests shall state the grounds upon which the order is contested and state the amount of time the recipient estimates will be required for the hearing. Hearings on Enforcement Orders shall be held in accordance with applicable provisions of the State Administrative Procedure Act, Article 4 of Title 24, C.R.S.

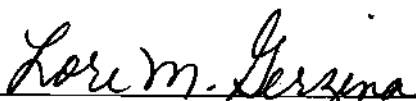
### **ADDITIONAL ACTION**

You are further advised that under §25-1-114.1(1), C.R.S., the Department may institute a civil action against any person who violates a final Enforcement Order of the Department issued for violation of any minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S.

Additionally, the Department may request the Attorney General to seek a temporary restraining order or permanent injunction to prevent or abate any violation of a minimum general sanitary standard or regulation adopted pursuant to §25-1.5-203, C.R.S. Further information concerning the aforementioned action is contained in §25-1-114.1(3), C.R.S.

Issued at Denver, Colorado, this 27<sup>th</sup> day of February, 2009.

**FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**



Lori M. Gerzina, Section Manager  
Compliance Assurance and Data Management Section  
Water Quality Control Division

